THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.11583 OF 2007

DATED 14-06-2007

Between:

M/s Andhra Cements Limited …Petitioner

And

The Assistant Commissioner and
Three others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.11583 OF 2007

O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

Heard learned counsel for the parties.

The grievance of the petitioner is that a notice, dated 26-05-2007, has been issued to him demanding interest of Rs.23,17,643/- to be paid within three days. He submits that an appeal against levy of interest is pending before the second respondent-Appellate Deputy Commissioner and the second respondent has heard the appeal and reserved it for orders on 18-04-2007 and the order of the second respondent is expected at any time. Without waiting for the orders of the second respondents, coercive steps are being taken for recovery of the amount, which is allegedly due as interest.

Last time, we had asked the learned Special Standing Counsel for Commercial Taxes to get instructions in the matter and today he has accepted that the appeal has already been heard and orders have been reserved.

In this view of the matter, we do not think that it would be just and fair to take coercive measures to recover the amounts. Therefore, we set aside the notice, dated 26-05-2007, and direct that coercive steps be not taken against the petitioner by the respondents to recover the amounts on account of alleged interest till the matter pending before the second respondent is decided by the second respondent.

The writ petition is accordingly allowed. No order as to costs.

_____

(Bilal Nazki, J)

Dated 14th June, 2007

_____

(S.Ananda Reddy, J)

vrn